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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/555,271

11/01/2005

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHERALI, ISHRAT I

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

05/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/555,271	Applicant(s) BRULS ET AL.	
	Examiner Sherali Ishrat	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/01/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17-19 are rejected as being directed non-statutory subject matter because independent claim 17, recites in the preamble "Software for implementing a decoder". Claim limitation reciting software is non-statutory the claim may be amended to include explicit limitation of "A non-transitory computer readable medium containing computer software to implement a decoder" such as computer memory, RAM, SRAM, DRAM etc. The specification does not define any computer readable medium. Further specification should be amended to define explicitly non-transitory computer readable medium such as memory, RAM, SRAM, DRAM etc and avoid transitory computer readable medium such as wire/wireless transmission, carrier wave or propagating signal. Since independent claim 17 is rejected therefore dependent claims 18-19 are also rejected.

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3. Claims 20-23 are rejected as being directed non-statutory subject matter because independent claim 20, recites in the preamble "A physical record carrier with data representative of content information". Claim limitation reciting a physical record carrier with data representative of content information is non-statutory because it covers transitory computer readable medium such as wire/wireless transmission, carrier wave or distributed network. In order to avoid rejection under 35 USC 101, the claim may be amended to include explicit limitation of "A non-transitory computer readable medium" such as computer memory, RAM, SRAM, DRAM etc. Further specification should be amended to define explicitly non-transitory computer readable medium such as memory, RAM, SRAM, DRAM etc and avoid transitory computer readable medium such as wire/wireless transmission, carrier wave or propagating signal. Examiner suggest Applicant to cancel claims 20-23 because claims 17-19 should include a non-transitory computer readable medium containing a computer program/software. Since independent claim 20 is rejected therefore dependent claims 21-23 are also rejected.

Allowable Subject Matter

4. Claims 1-16 are allowable over prior art of record. Claims 17-23 would also be allowable if Applicant overcome rejection under 35 USC 101.

The following is the reasons for allowance of claims 1-16. The present invention is a method and a device. Independent claims 1 and 9 identify distinct

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and unique limitations "a first mode to decode a base layer of the content data using a first decoding technique and to decode an enhancement layer of the content data using a second decoding technique different from the first and a second mode to decode the content data using the second technique". The prior art of record disclose decoding a base layer of the content data using a first decoding technique and to decode an enhancement layer of the content data using a second decoding technique, however fail to anticipate or render the above limitation obvious singularly or in combination.

Communication

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sherali Ishrat/
Primary Examiner, Art Unit 2624

May 22, 2010